

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES,	§	
	§	
v.	§	Cr. No. C-07-57 (3)
	§	
ROBERT WILLIAM AYERS, III.	§	

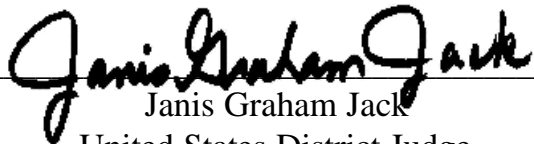
ORDER

Pending before the Court is Defendant Robert William Ayers III's latest motion for new counsel on appeal. (D.E. 85.) He lists both his case number before this Court and his appellate case number, so it is unclear whether he is asking for relief from this Court or the appellate court. (See D.E. 85 at 1.) Notably, Ayers has previously filed three other motions for substitute appellate counsel with this Court, which were transferred to the Fifth Circuit for resolution. (See D.E. 81 (Court's August 22, 2007 Order).) Additionally, Ayers sent a letter complaining about his counsel directly to the Fifth Circuit, which was received on September 21, 2007. See United States v. Ayers, No. 07-40653 (5th Cir.) (letter from Ayers docketed September 21, 2007). By order dated September 28, 2007, the Fifth Circuit denied his motion for substitute counsel, specifically finding that Ayers had failed to make the required showing of a "conflict of interest or other most pressing circumstances or that the interests of justice otherwise require relief of counsel." (D.E. 84, citing the FIFTH CIRCUIT PLAN UNDER THE CJA § 5(B).) Thus, Ayers' request for new counsel has already been ruled on and rejected by the appellate court.

Moreover, even if it were proper for this Court to address his motion for substitute counsel, he has not presented anything other than conclusory statements to try to make the showing required by

the Fifth Circuit and quoted in the preceding paragraph. Accordingly, to the extent he requests relief from this Court in the form of substitute appellate counsel, his motion is DENIED.

It is ORDERED this 6th day of November, 2007.



Janis Graham Jack
United States District Judge